

1 HONORABLE RONALD B. LEIGHTON  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 JOHN PHET,

14 Petitioner,

Case No. C07-5493RBL

15 v.

ORDER

16 HAROLD CLARKE,

17 Respondent.

18 THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for a

19 Certificate of Appealability [Dkt. #36]. Having considered the entirety of the records and file herein, the  
Court finds and rules as follows:

20 For the reasons stated in the Report and Recommendation [Dkt. #27], this Court declines to issue a  
21 certificate of appealability because the petitioner has failed to make "a substantial showing of the denial of  
22 a constitutional right." 28 U.S.C. §2253(c)(2).

23 **IT IS SO ORDERED.**

24 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party  
25 appearing pro se.

26 Dated this 3<sup>rd</sup> day of November 2008,

27   
RONALD B. LEIGHTON  
28 UNITED STATES DISTRICT JUDGE